

NOV - 9 2005 *9P*

**MARY L.M. MORAN**  
CLERK OF COURT

**DISTRICT COURT OF GUAM**  
**TERRITORY OF GUAM**

FRANKIE T. CAMACHO,

Plaintiff,

vs.

GUAM TERRITORY, et. al.

Defendants.

Civil Case No. 05-00007

**ORDER**

Regarding Petitioner's:

Request for Enlargement of Time to,  
File an Amended Complaint

This matter comes before the Court on Plaintiff Frankie T. Camacho's ("Camacho") request for additional time in which to file his Second Amended Complaint. Upon review of Camacho's motion the Court finds that Camacho's request is reasonable and that the defendant would not be unduly prejudiced as a result of the delay. Accordingly, Camacho's request for additional time to file his Amended Complaint is GRANTED.

Camacho shall submit a Second Amended Complaint by January 2, 2006. The Second Amended Complaint must be retyped or rewritten in its entirety and may not incorporate any part of the original Complaint or Amended Complaint by reference. Any Second Amended Complaint submitted by Plaintiff should be clearly designated as such on the face of the document. Camacho should take notice that all causes of action alleged in a complaint which are not alleged in an amended complaint are waived. *Hal Roach Studios v. Richard Feiner & Co.*, 896 F.2d 1542, 1546 (9<sup>th</sup> Cir. 1990).<sup>1</sup> Camacho should also be aware that further requests for extension of time to file the Second Amended Complaint will be denied.

<sup>1</sup> The Court notes that any newly named defendants should be included in the caption as well as in the body of the complaint.

ORIGINAL

1 The Clerk of Court is directed to enter a judgment of dismissal without prejudice and  
2 without further notice to Camacho, if Camacho fails to file a Second Amended Complaint by  
3 January 2, 2006.

4 **WARNING OF POSSIBLE DISMISSAL**

5 Camacho should take notice that if he fails to timely comply with every provision of this  
6 Order, or any order entered in this matter, this action will be dismissed pursuant to Rule 41(b)  
7 of the Federal Rules of Civil Procedure. *See Ferdik v. Bonzelet*, 963 F2d. 1258, 1260-61 (9<sup>th</sup>  
8 Cir.)(district court may dismiss action for failure to comply with any order of the Court), *cert.*  
9 *denied*, 506 U.S. 915 (1992).

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11 **IT IS SO ORDERED** this 9 day of November, 2005.

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15 **ROBERT CLIVE JONES\***  
16 **United States District Judge**

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28 \* The Honorable Robert Clive Jones, United States District Judge for Nevada, by designation.